

## GROUP A PUBLIC WATER SYSTEMS

### Request for Delegation of Rulemaking

May 10, 2006

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#### Introduction

The mission of the Department of Health (DOH), Office of Drinking Water is to protect the health of the people of Washington State by assuring safe and reliable drinking water. Washington regulates public water systems under both state regulations, and a formal agreement with the Environmental Protection Agency (EPA) that delegates primacy to the state for carrying out the federal Safe Drinking Water Act.

The State Board of Health (SBOH) establishes regulations for Group A Public Water Systems, chapter 246-290 WAC. Group A water systems serve 15 or more residential connections or 25 or more people, 60 or more days per year. The department implements and enforces these regulations to assure safe and reliable drinking water and to ensure the state meets its obligations with EPA.

#### Proposal

The department is requesting the board to consider delegating rule-making authority to allow the adoption of new federal drinking water requirements to the SBOH Group A Public Water Systems regulation, chapter 246-290 WAC. Changes to the rules will be limited to assure the rule remains consistent with federal requirements, and may include editorial changes to improve clarity as well as those necessary to reconcile the state and federal requirements.

#### What: Adoption of New Federal Requirements

- The EPA established new drinking water rules in January 2006 referred to as the Stage 2 Disinfectants and Disinfection Byproducts Rule (Stage 2) and the Long Term 2 Enhanced Surface Water Treatment Rule (LT2).
- Most of the changes to chapter 246-290 WAC will be in Part 4. Water Quality and Part 6. Surface Water Treatment.

#### Why

- To maintain primacy, we must adopt the new federal rules within two years, or be granted an extension by EPA.
- The Stage 2 rule changes are intended to improve public health by further reducing people's exposure to disinfectants and their byproducts which have a potential association with cancer and a possible, but not yet conclusive, association with adverse reproductive effects.
- The LT2 rule change is designed to improve public health by providing additional protection against *Cryptosporidium*.

#### Who is affected?

- The Stage 2 rule affects approximately 1,100 Group A water community and nontransient noncommunity water systems that add a disinfectant to their water.
- LT2 affects approximately 172 water systems that use surface water or groundwater under the direct influence of surface water.

### **How are they affected?**

- Community and Nontransient Noncommunity Water systems that add a disinfectant must now meet the existing state and federal standards for disinfectants and their byproducts at various locations throughout the water system, rather than on the basis of a system-wide average. The new federal rule will increase the number of samples taken, and the water system's overall costs for sampling and analysis.
- Water systems using surface water or groundwater sources under the direct influence of surface water will need to monitor for *Cryptosporidium* (or *E coli* for certain small water systems). Based on the results, the water systems may be required to install additional treatment.
- Water systems with unfiltered surface water sources must use more than one disinfectant, and water systems with uncovered reservoirs must treat the water or cover the reservoir.

### **Conformance with the State Board of Health Delegation Criteria**

The SBOH "Policy for Considering Delegation of Rules to the Department of Health" provides the following elements for consideration:

- The extent to which the proposed rule revision is expected to include editorial and/or grammatical changes that do not change the substance of the rule;
  - There may be some editorial changes to improve clarity and incorporate the federal rules into chapter 246-290 WAC.
- The extent to which the proposed rule seeks to adopt federal requirements in which the state has little or no discretion;
  - The changes are required due to new federal rules, and are necessary to maintain primacy and meet our agreement with EPA.
- The extent to which the substance and direction of the proposed rule is expected to have broad public and professional consensus;
  - Stakeholders consistently recommend that we adopt the federal drinking water rules necessary to maintain primacy, and have recommended that we adopt these new federal rules.
- The extent to which the proposed rule may make significant changes to a policy or regulatory program;
  - Changes to the regulatory program are limited to those required by the new federal safe drinking water requirements.
- The extent to which the rule revision process would benefit from the Board's role as a convener of interested parties.
  - The department does not expect the rule revision to be controversial or contentious. Stakeholders will be fully involved through the legislatively created Washington Water Supply Advisory Committee.

### **Contact**

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